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|-------------------------------------|---|--------------------|
| In re Application of | : | |
| BROWN, et al. | : | |
| Application No.: 09/914,867 | : | DECISION ON PAPERS |
| PCT No.: PCT/US00/05427 | : | |
| Int. Filing Date: 02 March 2000 | : | UNDER 37 CFR 1.42 |
| Priority Date: 02 March 1999 | : | |
| Attorney Docket No.: 1240.026 | : | |
| For: BRAKE SYSTEM HAVING HYDRAULIC: | : | |
| ACCUMULATOR AND/OR COMBINED : | : | |
| SERVICE BRAKE AND PARK AND : | : | |
| HOLD BRAKE : | : | |

This decision is in response to applicant's "Petition Under 37 CFR §1.42" filed in the United States Patent and Trademark Office (USPTO) on 13 March 2002.

BACKGROUND

On 06 December 2001, applicant was mailed a decision granting applicant's petition to revive the present application pursuant to 37 CFR 1.137(b). In the decision applicant was advised that the filed declaration did not comply with 37 CFR 1.497(a)-(b). Applicant was afforded two months to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Regarding the status of the fourth named inventor, Joseph A. LANG, applicant was advised that the response should include a cover letter entitled, "Petition Under 37 CFR 1.42." Extensions of time under 37 CFR 1.136(a) were made available.

On 13 March 2002, applicant filed the present petition accompanied by an executed declaration, request for a one-month extension of time and a check in the amount of \$110.00 as payment of the one-month extension of time fee. With the filing of the request, payment of the extension fee and certification that the papers were deposited for mailing on 04 March 2002, the response is considered to be timely filed.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 06 March 2002 is executed by Susan R. LANG as the executrix of the estate of Joseph A. LANG and provides the executrix's residence, post office address and country of citizenship. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 06 March 2002.

CONCLUSION

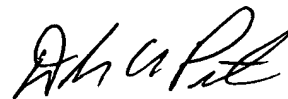
Applicant's petition under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 02 March 2000 and a date of **06 March 2002** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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